

Calendar No. 315

111TH CONGRESS
2^D SESSION**S. 1132**

To amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2009

Mr. LEAHY (for himself, Mr. KYL, Mr. SESSIONS, and Mr. CONRAD) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MARCH 11, 2010

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Law Enforcement Offi-
5 cers Safety Act Improvements Act of 2009”.

1 **SEC. 2. AMENDMENTS TO LAW ENFORCEMENT OFFICER**
 2 **SAFETY PROVISIONS OF TITLE 18.**

3 (a) **IN GENERAL.**—Section 926B of title 18, United
 4 States Code, is amended by adding at the end the fol-
 5 lowing:

6 “(f) For the purposes of this section, a law enforce-
 7 ment officer of the Amtrak Police Department or a law
 8 enforcement or police officer of the executive branch of
 9 the Federal Government qualifies as an employee of a gov-
 10 ernmental agency who is authorized by law to engage in
 11 or supervise the prevention, detection, investigation, or
 12 prosecution of, or the incarceration of any person for, any
 13 violation of law, and has statutory powers of arrest.”.

14 (b) **ACTIVE LAW ENFORCEMENT OFFICERS.**—Sec-
 15 tion 926B of title 18, United States Code is amended by
 16 striking subsection (c) and inserting the following:

17 “(c) As used in this section, the term ‘firearm’—

18 “(1) except as provided in this subsection, has
 19 the same meaning as in section 921 of this title;

20 “(2) includes ammunition not expressly prohib-
 21 ited by Federal law or subject to the provisions of
 22 the National Firearms Act; and

23 “(3) does not include—

24 “(A) any machinegun (as defined in sec-
 25 tion 5845 of the National Firearms Act);

1 “(B) any firearm silencer (as defined in
2 section 921 of this title); and

3 “(C) any destructive device (as defined in
4 section 921 of this title).”.

5 ~~(c) RETIRED LAW ENFORCEMENT OFFICERS.—~~See
6 ~~tion 926C~~ of title 18, United States Code is amended—

7 ~~(1) in subsection (c)—~~

8 ~~(A) in paragraph (1)—~~

9 ~~(i) by striking “retired” and inserting~~
10 ~~“separated from service”; and~~

11 ~~(ii) by striking “, other than for rea-~~
12 ~~sons of mental instability”;~~

13 ~~(B) in paragraph (2), by striking “retire-~~
14 ~~ment” and inserting “separation”;~~

15 ~~(C) in paragraph (3)—~~

16 ~~(i) in subparagraph (A), by striking~~
17 ~~“retirement, was regularly employed as a~~
18 ~~law enforcement officer for an aggregate of~~
19 ~~15 years or more” and inserting “separa-~~
20 ~~tion, served as a law enforcement officer~~
21 ~~for an aggregate of 10 years or more”; and~~

22 ~~(ii) in subparagraph (B), by striking~~
23 ~~“retired” and inserting “separated”;~~

24 ~~(D) by striking paragraph (4) and insert-~~
25 ~~ing the following:~~

1 “(4) during the most recent 12-month period;
 2 has met, at the expense of the individual, the stand-
 3 ards for qualification in firearms training for active
 4 law enforcement officers, as determined by the
 5 former agency of the individual, the State in which
 6 the individual resides or, if the State has not estab-
 7 lished such standards, a law enforcement agency
 8 within the State in which the individual resides;”;
 9 and

10 (E) by striking paragraph (5) and replac-
 11 ing it with the following:

12 “(5)(A) has not been officially found by a quali-
 13 fied medical professional employed by the agency to
 14 be unqualified for reasons relating to mental health
 15 and as a result of this finding will not be issued the
 16 photographic identification as described in sub-
 17 section (d)(1); or

18 “(B) has not entered into an agreement with
 19 the agency from which the individual is separating
 20 from service in which that individual acknowledges
 21 he or she is not qualified under this section for rea-
 22 sons relating to mental health and for those reasons
 23 will not receive or accept the photographic identifica-
 24 tion as described in subsection (d)(1);”;

25 (2) in subsection (d)—

(A) paragraph (1)—

(i) by striking “retired” and inserting “separated”; and

(ii) by striking “to meet the standards” and all that follows through “concealed firearm” and inserting “to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm”;

(B) paragraph (2)—

(i) in subparagraph (A), by striking “retired” and inserting “separated”; and

(ii) in subparagraph (B), by striking “that indicates” and all that follows through the period and inserting “or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, not less than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualifica-

tion test for active duty officers within that
State to have met—

“(I) the active duty standards for
qualification in firearms training, as
established by the State, to carry a
firearm of the same type as the con-
cealed firearm; or

“(II) if the State has not estab-
lished such standards, standards set
by any law enforcement agency within
that State to carry a firearm of the
same type as the concealed firearm.”;
and

(3) by striking subsection (e) and inserting the
following:

“(e) As used in this section—

“(1) the term ‘firearm’—

“(A) except as provided in this paragraph,
has the same meaning as in section 921 of this
title;

“(B) includes ammunition not expressly
prohibited by Federal law or subject to the pro-
visions of the National Firearms Act; and

“(C) does not include—

1 “(i) any machinegun (as defined in
2 section 5845 of the National Firearms
3 Act);

4 “(ii) any firearm silencer (as defined
5 in section 921 of this title); and

6 “(iii) any destructive device (as de-
7 fined in section 921 of this title); and

8 “(2) the term ‘service with a public agency as
9 a law enforcement officer’ includes service as a law
10 enforcement officer of the Amtrak Police Depart-
11 ment, or as a law enforcement or police officer of
12 the executive branch of the Federal Government.”.

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the “Law Enforcement Offi-
15 cers Safety Act Improvements Act of 2010”.*

16 **SEC. 2. AMENDMENTS TO LAW ENFORCEMENT OFFICER
17 SAFETY PROVISIONS OF TITLE 18.**

18 *(a) IN GENERAL.—Section 926B of title 18, United
19 States Code, is amended—*

20 *(1) in subsection (c)(3), by inserting “which
21 could result in suspension or loss of police powers”
22 after “agency”; and*

23 *(2) by adding at the end the following:*

24 *“(f) For the purposes of this section, a law enforcement
25 officer of the Amtrak Police Department, a law enforcement*

1 *officer of the Federal Reserve, or a law enforcement or police*
 2 *officer of the executive branch of the Federal Government*
 3 *qualifies as an employee of a governmental agency who is*
 4 *authorized by law to engage in or supervise the prevention,*
 5 *detection, investigation, or prosecution of, or the incarcer-*
 6 *ation of any person for, any violation of law, and has statu-*
 7 *tory powers of arrest.”.*

8 (b) *ACTIVE LAW ENFORCEMENT OFFICERS.*—Section
 9 926B of title 18, United States Code is amended by striking
 10 subsection (e) and inserting the following:

11 “(e) *As used in this section, the term ‘firearm’—*

12 “(1) *except as provided in this subsection, has*
 13 *the same meaning as in section 921 of this title;*

14 “(2) *includes ammunition not expressly prohib-*
 15 *ited by Federal law or subject to the provisions of the*
 16 *National Firearms Act; and*

17 “(3) *does not include—*

18 “(A) *any machinegun (as defined in section*
 19 *5845 of the National Firearms Act);*

20 “(B) *any firearm silencer (as defined in*
 21 *section 921 of this title); and*

22 “(C) *any destructive device (as defined in*
 23 *section 921 of this title).”.*

24 (c) *RETIRED LAW ENFORCEMENT OFFICERS.*—Section
 25 926C of title 18, United States Code is amended—

1 (1) *in subsection (c)—*

2 (A) *in paragraph (1)—*

3 (i) *by striking “retired” and inserting*
4 *“separated from service”; and*

5 (ii) *by striking “, other than for rea-*
6 *sons of mental instability”;*

7 (B) *in paragraph (2), by striking “retire-*
8 *ment” and inserting “separation”;*

9 (C) *in paragraph (3)—*

10 (i) *in subparagraph (A), by striking*
11 *“retirement, was regularly employed as a*
12 *law enforcement officer for an aggregate of*
13 *15 years or more” and inserting “separa-*
14 *tion, served as a law enforcement officer for*
15 *an aggregate of 10 years or more”; and*

16 (ii) *in subparagraph (B), by striking*
17 *“retired” and inserting “separated”;*

18 (D) *by striking paragraph (4) and insert-*
19 *ing the following:*

20 *“(4) during the most recent 12-month period, has*
21 *met, at the expense of the individual, the standards*
22 *for qualification in firearms training for active law*
23 *enforcement officers, as determined by the former*
24 *agency of the individual, the State in which the indi-*
25 *vidual resides or, if the State has not established such*

1 standards, either a law enforcement agency within the
 2 State in which the individual resides or the standards
 3 used by a certified firearms instructor that is quali-
 4 fied to conduct a firearms qualification test for active
 5 duty officers within that State;” and

6 (E) by striking paragraph (5) and replac-
 7 ing it with the following:

8 “(5)(A) has not been officially found by a quali-
 9 fied medical professional employed by the agency to
 10 be unqualified for reasons relating to mental health
 11 and as a result of this finding will not be issued the
 12 photographic identification as described in subsection
 13 (d)(1); or

14 “(B) has not entered into an agreement with the
 15 agency from which the individual is separating from
 16 service in which that individual acknowledges he or
 17 she is not qualified under this section for reasons re-
 18 lating to mental health and for those reasons will not
 19 receive or accept the photographic identification as
 20 described in subsection (d)(1);”;

21 (2) in subsection (d)—

22 (A) paragraph (1)—

23 (i) by striking “retired” and inserting
 24 “separated”; and

1 (ii) by striking “to meet the stand-
2 ards” and all that follows through “con-
3 cealed firearm” and inserting “to meet the
4 active duty standards for qualification in
5 firearms training as established by the
6 agency to carry a firearm of the same type
7 as the concealed firearm”;

8 (B) paragraph (2)—

9 (i) in subparagraph (A), by striking
10 “retired” and inserting “separated”; and

11 (ii) in subparagraph (B), by striking
12 “that indicates” and all that follows
13 through the period and inserting “or by a
14 certified firearms instructor that is quali-
15 fied to conduct a firearms qualification test
16 for active duty officers within that State
17 that indicates that the individual has, not
18 less than 1 year before the date the indi-
19 vidual is carrying the concealed firearm,
20 been tested or otherwise found by the State
21 or a certified firearms instructor that is
22 qualified to conduct a firearms qualification
23 test for active duty officers within that
24 State to have met—

1 “(I) the active duty standards for
 2 qualification in firearms training, as
 3 established by the State, to carry a
 4 firearm of the same type as the con-
 5 cealed firearm; or

6 “(II) if the State has not estab-
 7 lished such standards, standards set by
 8 any law enforcement agency within
 9 that State to carry a firearm of the
 10 same type as the concealed firearm.”;
 11 and

12 (3) by striking subsection (e) and inserting the
 13 following:

14 “(e) As used in this section—

15 “(1) the term ‘firearm’—

16 “(A) except as provided in this paragraph,
 17 has the same meaning as in section 921 of this
 18 title;

19 “(B) includes ammunition not expressly
 20 prohibited by Federal law or subject to the provi-
 21 sions of the National Firearms Act; and

22 “(C) does not include—

23 “(i) any machinegun (as defined in
 24 section 5845 of the National Firearms Act);

1 “(ii) *any firearm silencer (as defined*
2 *in section 921 of this title); and*

3 “(iii) *any destructive device (as de-*
4 *finied in section 921 of this title); and*

5 “(2) *the term ‘service with a public agency as a*
6 *law enforcement officer’ includes service as a law en-*
7 *forcement officer of the Amtrak Police Department,*
8 *service as a law enforcement officer of the Federal Re-*
9 *serve, or service as a law enforcement or police officer*
10 *of the executive branch of the Federal Government.”.*

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